IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 14991 of 2007(I)

PETITIONERS:
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*1. MOHAMMED HASHIM
RAMLA BUILDING, VAVARAMBALAM, POTHENCODE P.O.,
THIRUVANANTHAPURAM-84.

2. NAJUMA BEEVI, -DO- -DO-.

*NAME OF THE 1ST PETITIONER IS CORRECTED AS PER THE ORDER DATED 15.6.2007 IN I.A.NO.8089/07.

BY ADV. SRI.B.KRISHNA MANI
SMT.S.SIBHA

RESPONDENTS:
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1. THE SECRETARY,
LOCAL ADMINISTRATION, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE SPECIAL GRADE SECRETARY,
POTHENCODE GRAMA PANCHAYAT, POTHENCODE POST,
THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR
R2 BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 14991/07)

PETITIONERS' EXTS.:

EXT.P1: TRUE COPY OF THE SALE DEED DATED 10.5.2000.

EXT.P2: TRUE COPY OF THE SALE DEED DATED 10.5.2000.

EXT.P3: TRUE COPY OF THE APPROVED PLAN.

EXT.P4: TRUE COPY OF THE PROCEEDING DATED 21.4.2007 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.

RESPONDENTS' EXTS.(2ND RESPONDENT):

EXT.R2(a): TRUE COPY OF THE MAHAZAR PREPARED ALONG WITH PLAN.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.14991 of 2007

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Dated: 10th September, 2007

JUDGMENT

The challenge in this Writ Petition is against Ext.P4 order by which the petitioners have been directed to remove certain constructions which according to the Panchayat are objectionable. But as rightly submitted by the learned Government Pleader Mr.K.J.Mohammed Anzar, Ext.P4 appears to be provisional in nature. Though counter affidavit has been filed by the Panchayat, it is not contended therein that Ext.P4 is preceeded by any hearing with notice to the petitioner. I therefore dispose of the Writ Petition issuing the following directions:

Ext.P4 notice will be treated by all parties concerned including the petitioners and the Panchayat as provisional. The petitioners are permitted to file objections against Ext.P4 within two weeks of them receiving copy of this judgment. If the petitioners so file objections, the Panchayat will hear the petitioners on Exts.P4 and P5 and pass final orders under intimation to the petitioners within one month of them filing the objections. Till such time as final orders as directed above is passed by the Panchayat, the structures belonging to the

petitioners will not be forcibly removed or demolished by the Panchayat.

srd **PIUS C.KURIAKOSE, JUDGE**